

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1669

By: Representatives Gazaway, McCullough

For An Act To Be Entitled

AN ACT CONCERNING THE OFFENSES OF DOMESTIC BATTERING
IN THE SECOND DEGREE AND DOMESTIC BATTERING IN THE
THIRD DEGREE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE OFFENSES OF DOMESTIC
BATTERING IN THE SECOND DEGREE AND
DOMESTIC BATTERING IN THE THIRD DEGREE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-26-304(b), concerning the penalties for domestic battering in the second degree, is amended to read as follows:

(b)(1) Domestic battering in the second degree is a Class C felony.

(2) However, domestic battering in the second degree is a Class B felony if:

(A) Committed against a woman the person knew or should have known was pregnant; or

(B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the second degree:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree;

(iii) Domestic battering in the third degree, § 5-26-305; or

(iv) A violation of an equivalent penal law of this



state or of another state or foreign jurisdiction; ~~or~~

~~(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.~~

SECTION 2. Arkansas Code § 5-26-305(b), concerning the penalties for domestic battering in the third degree, is amended to read as follows:

(b)(1) Domestic battering in the third degree is a Class A misdemeanor.

(2) However, domestic battering in the third degree is a Class D felony if:

(A) Committed against a woman the person knew or should have known was pregnant; or

(B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree, § 5-26-304;

(iii) Domestic battering in the third degree;

(iv) Aggravated assault on a family or household member, § 5-26-306; or

(v) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; ~~or~~

~~(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the third degree.~~

APPROVED: 4/30/21